

# Memorandum



**Date:** November 30, 2004

Agenda Item No. 7(K)(1)(A)

**To:** Honorable Chairperson Barbara Carey-Shuler, Ed.D.  
and Members, Board of County Commissioners

**From:** George M. Burgess  
County Manager

A handwritten signature in black ink, appearing to read "Burgess", written over the printed name of George M. Burgess.

**Subject:** Resolution Authorizing the Conveyance of Nine (9) Parcels of Land to the City of Florida City

## **RECOMMENDATION**

It is recommended that the Board authorize conveyance of nine (9) residential vacant lots (2.13 acres) described in Exhibit "A" attached herein, in the Florida City Focus Area, to the City of Florida City, for Ten (\$10.00) Dollars, in accordance with Florida Statute 125.38, for the development of infill housing to first-time homebuyers.

## **BACKGROUND**

The City of Florida City has requested conveyance of County-owned land under Section 125.38, Florida Statutes, at a nominal cost. The City of Florida City has requested the conveyance of nine (9) parcels of County-owned land, entailing approximately 2.13 acres for the development of Infill Housing single-family homes for first time homebuyers, which would maximize the use of the land, and provide much needed homeownership opportunities.

The City of Florida City was awarded \$3 Million Dollars from the Florida Housing Finance Corporation in support of its first time homebuyer program. Under the program, the City of Florida City is able to provide the homebuyers with up to \$25,000 in mortgage assistance in the form of a second mortgage that does not have to be repaid provided the buyer remains for a period of time at the new home. In keeping with the County's position of maximizing the provision of Infill Housing, the City of Florida City is in the forefront of making the dream of homeownership a reality. So much success has been made in this area that the City of Florida City is running out of Infill lots necessary to fully utilize the granted State funds. The City has become aware of numerous County-owned lots in the City of Florida City's corporate boundary, and is therefore asking for the assistance of the Office of Community and Economic Development (OCED) for the conveyance of all available OCED-owned lots.

Time is of the essence however, as the grantor has given the City of Florida City hard deadlines to either, show site control or lose the second mortgage money.

With your approval of the resolution and memorandum, the land will be conveyed by County Deed attached herein as Exhibit "B", to the City of Florida City.

Attachments

A handwritten signature in black ink, appearing to read "Tony E. Craig", written over a horizontal line.

Assistant County Manager




# MEMORANDUM

(Revised)

**TO:** Hon. Chairperson Barbara Carey-Shuler, Ed.D.  
and Members, Board of County Commissioners

**DATE:** November 30, 2004

**FROM:**   
Robert A. Ginsburg  
County Attorney

**SUBJECT:** Agenda Item No. 7(K)(1)(A)

Please note any items checked.

- ☐ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Bid waiver requiring County Manager's written recommendation
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ Housekeeping item (no policy decision required)
- ☐ No committee review

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 7(K)(1)(A)

11-30-04

RESOLUTION NO. \_\_\_\_\_

RESOLUTION AUTHORIZING CONVEYANCE OF NINE (9) PARCELS OF LAND TO THE CITY OF FLORIDA CITY FOR THE DEVELOPMENT OF INFILL HOUSING FOR FIRST-TIME HOMEBUYERS, IN ACCORDANCE WITH FLORIDA STATUTE 125.38; AUTHORIZING THE COUNTY MANAGER, DIRECTOR OF THE OFFICE OF COMMUNITY AND ECONOMIC DEVELOPMENT, COUNTY ATTORNEY, AND CLERK OF THE BOARD TO TAKE THE NECESSARY ACTIONS TO EFFECT AND SECURE THE CONVEYANCE OF SAID LAND; AND AUTHORIZING EXECUTION OF COUNTY DEED

**WHEREAS**, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference; and

**WHEREAS**, the land is not needed for County purposes; and

**WHEREAS**, the land is in Miami-Dade County Office of Community and Economic Development inventory for sales housing development; and

**WHEREAS**, the development of Infill Housing lots for first-time homebuyers will be fulfilled through the conveyance,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA**, that this Board:

Section 1. Authorizes the conveyance of land pursuant to Section 125.38, Florida Statutes, described in Exhibit "A" attached hereto and made a part hereof, to the City of Florida City for development of Infill Housing lots in the Florida City Focus Area.

Section 2. Approves a County Deed to convey the land in substantially the form attached hereto and made a part hereof as Exhibit B, and authorizes the Mayor to execute same on behalf of Miami-Dade County.

Section 3. Directs the County Manager, the Director of the Office of Community and Economic Development, County Attorney, and Clerk of the Board to take whatever actions are necessary to effect and secure the conveyance of said land.

The foregoing resolution was offered by Commissioner \_\_\_\_\_, who moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_ and upon being put to a vote, the vote was as follows:

Dr. Barbara Carey-Shuler, Chairperson	
Katy Sorenson, Vice-Chairperson	
Bruno A. Barreiro	Jose "Pepe" Diaz
Carlos A. Gimenez	Sally A. Heyman
Barbara J. Jordan	Joe A. Martinez
Dennis C. Moss	Dorin D. Rolle
Natacha Seijas	Rebeca Sosa
Sen. Javier D. Souto	

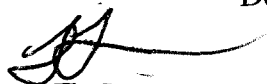
The Chairperson thereupon declared the resolution duly passed and adopted this 30<sup>th</sup> day of November, 2004. This Resolution and contract, if not vetoed, shall become effective in accordance with Resolution No. R-377-04.

MIAMI-DADE COUNTY, FLORIDA  
BY ITS BOARD OF  
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: \_\_\_\_\_  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.



Thomas Goldstein

Exhibit "A"  
Legal Descriptions

**Parcel FC-95-03**

Folio No. 16-7824-006-0310

Lot 15, Block 2, GREEN PARK SUB., according to the Plat thereof as recorded in Plat Book 47, at Page 25, of the Public Records of Miami-Dade County, Florida.

**Parcel FC-95-04**

Folio No. 16-7824-006-0200

Lot 4, Block 2, GREEN PARK SUB., according to the Plat thereof as recorded in Plat Book 47, at Page 25, of the Public Records of Miami-Dade County, Florida.

**Parcel FC-95-05**

Folio No. 16-7824-006-0220

Lot 6, Block 2, GREEN PARK SUB., according to the Plat thereof as recorded in Plat Book 47, at Page 25, of the Public Records of Miami-Dade County, Florida.

**Parcel FC-95-06**

Folio No. 16-7824-005-0440

Lot 24, Block 2, GREEN PARK SUB., according to the Plat thereof as recorded in Plat Book 39, at Page 90, of the Public Records of Miami-Dade County, Florida.

**Parcel FC-95-95-19**

Folio No. 16-7824-002-0110

Lot 31, HOWARD PARK 1<sup>ST</sup> ADDITION, according to the Plat thereof as recorded in Plat Book 58, at Page 76, of the Public Records of Miami-Dade County, Florida.

**Parcel FC-95-31**

Folio No. 16-7824-014-0270

Lot 6, Block 2, MAC ARTHUR HOMESITES, according to the Plat thereof as recorded in Plat Book 43, at Page 99, of the Public Records of Miami-Dade County, Florida.

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Exhibit "A"  
Legal Descriptions

**Parcel FC-95-33**

Folio No. 16-7824-014-0200

Lot 20, HOWARD PARK, according to the Plat thereof as recorded in Plat Book 51, at Page 22, of the Public Records of Miami-Dade County, Florida.

**Parcel FC-95-32**

Folio No. 16-7824-014-0280

Lot 7, Block 2, MAC ARTHUR HOMESITES, according to the Plat thereof as recorded in Plat Book 43, at Page 99, of the Public Records of Miami-Dade County, Florida.

**Parcel FC-95-36**

Folio No. 16-7824-006-0320

Lot 16, Block 2, GREEN PARK SUB., according to the Plat thereof as recorded in Plat Book 47, at Page 25, of the Public Records of Miami-Dade County, Florida.

Exhibit "B"

COUNTY DEED

THIS DEED, made this \_\_\_\_ day of \_\_\_\_\_, 2004, by Miami-Dade County, Florida, a political subdivision of the State of Florida, called "County" and the City of Florida City, a political subdivision of the State of Florida, hereinafter called "Developer."

WITNESS: That the County for and in consideration of the sum of TEN Dollars (\$10.00), to it in hand paid by the Developer, receipt of which is hereby acknowledged has granted, bargained and sold to the Developer, its heirs and its assigns, subject to the right of re-entry set forward below, the land lying and being in Miami-Dade County, Florida:

See Exhibit "A" Legal Description Attached Hereto

This Deed conveys only the interests of Miami-Dade County and its Board of County Commissioners in the property described herein, and shall not warrant title thereto:

- I. This Conveyance is made subject to the following covenants running with The land, and setting forth the right of re-entry, to wit:
  - A. Developer will commence work on the Project Improvements (the "Improvements") consisting of single-family sales homes for first-time homebuyers not later than December 31, 2004, and shall complete the Improvements by March 31, 2006, of the nine (9) lots for Infill Housing.

B. Promptly after completion of the Improvements in accordance with approved plans and provisions of this Instrument, the County shall furnish the Developer a certificate that it has met its obligations hereunder. Such certification shall be in a form recordable in the Office of the Clerk of the Circuit Court of Miami-Dade County, Florida.

C. The Developer agrees for itself, its successors and assigns, to or of the Property or any part hereof, that the Developer and such successors or Assigns shall:

Not discriminate upon the basis of race, color, religion, sex or national origin in the sale, lease or rental or in the use of occupancy of the property or any Improvements erected or to be erected hereon or on any part thereof; and this covenant shall be binding to the fullest extent permitted by law and equity, for the benefit and in favor of, and enforceable by the County, its successors and assigns, and any successor in interest to the property, or any part thereof. The County shall have the right in the event of any breach of any such covenants, to exercise all the rights and remedies; and to maintain any actions or suits at law or in equity or other proper proceedings to enforce the curing of such breach of covenant, to which it or any other beneficiaries of such covenant may be entitled.

D. The Developer (or Successor in Interest), shall pay the real estate taxes or assessments on the property or any part thereof when due. Developer



shall not suffer any levy or attachment to be made, or any material or mechanic's lien, or any unauthorized encumbrance or lien to attach, except:

- a) Any mortgage(s) in favor of any institutional lender for the purpose of financing any hard costs or soft costs relating to the construction of the Improvements in an amount(s) not to exceed the value of the Improvements as determined by an appraiser; and
- b) Any mortgage(s) in favor of any institutional lender refinancing any mortgage of the character described in clause (a) hereof; in an amount(s) not to exceed the value of the Improvements as determined by an appraiser.
- c) The recordation, together with any mortgage purporting to meet the requirements of clauses (2) or (b) above, of a statement of value by a Member of American Institute of Real Estate Appraisers ("MAI"), (or member of any similar or successor Organization), stating the value of the Improvements is equal to Or greater than the amount of such mortgage(s), shall constitute Conclusive evidence that such mortgage meets such requirements, And that the right of any re-entry hereunder shall be subject to And limited by, and shall not defeat, render invalid, or limit in any Way, the lien of such mortgage. For purposes of this paragraph an "institutional lender" shall mean any bank, savings and loan association, insurance company, foundation or charitable entity, real estate or mortgage investment trust, pension funds,

the Federal National Mortgage Association, agency of the United States Government or other governmental agency. In any event, The terms "Institutional Lender" shall be deemed to include Miami-Dade County and their respective successors and assigns.

- E. Developer shall not transfer the property or any part thereof, without consent of the County and shall not change the ownership or distribution of the stock of the Developer or with respect to the identity of the parties in control of the Developer or the degree thereof.

In the event the Developer shall violate or otherwise fail to comply with any of the covenants set forth herein, the Developer shall correct or cure the default/violation within thirty (30) days of notification of the default by the County. If Developer fails to remedy the default within ninety (90) days, the County shall have the right to re-enter and take possession of the property and to terminate (and revest in the County), the estate conveyed by this Deed to the Developer; provided, that any such right of re-entry shall always be subjected to and limited by, and shall not defeat, render invalid, or limit in any way the lien of any valid mortgage or Deed or Trust permitted by this Deed.

WITNESS WHEREOF, the said County has caused these presents to be executed in its name by its Board of County Commissioners acting by the Chairperson of said Board, the day and year aforesaid.

Miami-Dade County, Florida  
By its Board of County Commissioners

By: \_\_\_\_\_  
Mayor

\_\_\_\_\_  
Printed Signature of Mayor  
Stephen P. Clark Center  
111 N.W. 1<sup>st</sup> Street, Suite 230  
Miami, Florida 33128

ATTEST:

Harvey Ruvin, Clerk of Circuit Court

By: \_\_\_\_\_  
Deputy Clerk Signature

By: \_\_\_\_\_  
Deputy Clerk Printed Signature  
Stephen P. Clark Center  
111 N.W. 1<sup>st</sup> Street, Suite 210  
Miami, Florida 33128

Prepared by: Ross Lopez-Gottardi  
Miami-Dade Office of Community and  
Economic Development  
140 West Flagler Street, Suite 1100  
Miami, Florida 33130

ACKNOWLEDGMENT OF TRUSTEE,  
ADMINISTRATOR, EXECUTOR  
GUARDIAN OR ANY PERSON ACTING  
IN A REPRESENTATIVE CAPACITY

STATE OF FLORIDA:  
COUNTY OF MIAMI DADE:

The foregoing instrument was acknowledged before me this \_\_\_\_\_ by  
\_\_\_\_\_, \_\_\_\_\_ who is personally known to me or  
who has produced \_\_\_\_\_, as identification and who did  
(did not) take an oath.

\_\_\_\_\_  
Signature of Person Taking Acknowledgment

\_\_\_\_\_  
Name – Printed or Typed

\_\_\_\_\_  
Title or Rank

\_\_\_\_\_  
Serial Number

WITNESS, my hand and official seal, this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2001.

\_\_\_\_\_  
Notary Public, State of Florida at Large

\_\_\_\_\_  
Printed Signature of Notary

My Commission expires \_\_\_\_\_

May 6, 2005

Mr. Otis Wallace, Mayor  
City of Florida City  
404 West Palm Drive  
Florida City, Florida 33134

RE: Grant from the Florida Housing Finance Corporation

Dear Mayor Wallace:

This letter responds to your correspondence dated April 23, 2004, and prior phone conversations you have had with Zafar Ahmed and Ross Lopez of my staff, in reference to the above-referenced program.

Please be advised that OCED is preparing a BCC agenda item to convey to the City of Florida City, nine (9) parcels currently in OCED's Land Inventory, in addition to the nine (9) original lots provided to the City in 2002/2003. Thirteen (13) lots have been identified in GSA's Inventory.

As Ross explained to you, OCED is working with the Miami-Dade Housing Agency (MDHA) and Miami-Dade General Services Administration (GSA) in order to secure additional lots to the City for its housing effort.

I am aware you have contacted Rene Rodriguez and Al Brewster recently, and that both have expressed keen interest in assisting the City on this effort.

I will make every effort possible to coordinate with Mr. Brewster and Mr. Mc Griff to assist the City of Florida City with as many housing parcels as possible.

Sincerely,

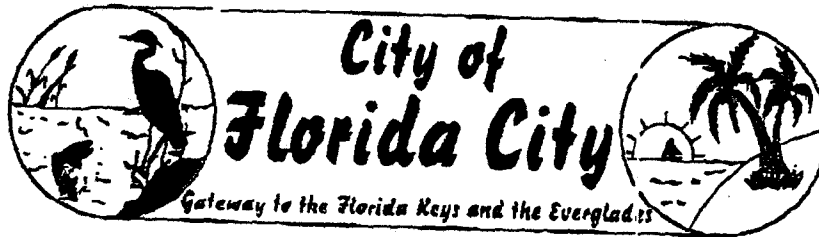


Bryan K. Finnie  
Director

RL/BKF:gw

Attachments

cc: Tony E. Crapp, Sr., Assistant County Manager  
Al Brewster, Deputy Director/MDHA  
Bernard Mc Griff, Director/GSA  
Ross Lopez, OCED  
Zafar Ahmed, OCED



Office of the Mayor

*Friday Letter from Mayor Wallace to Rene about GSA/MOH A lots*  
*PRM*

APRIL 23, 2004

Mr. Rene Rodriguez  
 Director  
 MIAMI DADE HOUSING  
 1401 NW 7<sup>th</sup> Street  
 Miami, FL 33125

Post-it* Fax Note	7671	Date	83	# of pages	▶
To	ROSS LOPEZ	From	JIM T. WALLACE		
Co./Dept.	OCD	Co.			
Phone #		Phone	248-8188		
Fax #	305-372-6291	Fax #	248-8133		

VIA FAX & US POSTAL SERVICE: FAX: 305-541-6716

Dear Mr. Rodriguez:

The City of Florida City was recently awarded \$3 Million Dollars from the Florida Housing Finance Corporation in support of its first time home buyer program. Under the program Florida City is able to provide the home buyer with up to \$25,000 in mortgage assistance in the form of a silent second mortgage that does not have to be repaid provided the buyer remains for a period of time at the new home.

In keeping with the County's position regarding maximizing the provision of infill housing, Florida City is in the forefront of making the dream of home ownership a reality. We have been so successful that we are running out of infill lots necessary to fully utilize the granted State funds.

It has come to my attention that the County has inventoried numerous lots in the City of Florida City's corporate boundary. I am asking for your assistance in the possible transfer of all available lots that you have, to the city. Time is of the essence as the grantor has given the City hard deadlines to either show site control or lose the second mortgage money.

I believe working together we have an excellent opportunity to leverage funds from outside the County that can be used to accomplish goals shared by Miami Dade County and the City of Florida City. Of course by accomplishing this, available County funds can then be used to accomplish infill needs elsewhere giving us a net gain in the provision of housing.

12:56P

City of Florida City

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P.2

APRIL 23, 2004

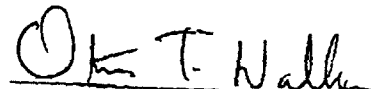
Mr. Rene Rodriguez  
Director  
MIAMI DADE HOUSING  
1401 NW 7<sup>th</sup> Street  
Miami, FL 33125

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Any help that you can give us in expediting the process will be dceply appreciated.

For further information or background, please feel free to contact me.

Sincerely,

  
Otis T. Wallace, Mayor